

IOWA DONATION OF FUNDS CONTRACT

IOWA DONATION OF FUNDS CONTRACTCONTENTS

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IOWA DONATION OF FUNDS CONTRACT

This chapter describes policies for the Iowa Donation of Funds Contract. These contracts are used when public or private donors wish to provide matching dollars for state or federal funds. The legal basis for these policies is 441 IAC 150.7(234).

CONTRACT DEVELOPMENT**Policy**

The regional administrator or designee shall assist the donor in completion of the contract document.

Comment

Either the regional administrator or other staff designated shall be available to assist donors in handling questions and completing contract documents.

Legal reference: 441 IAC 150.7(1)

Procedure

Iowa Donation of Funds Contract, form SS-1502-0 shall be completed. (See XV-A-Appendix for instructions.)

Contract Approval or Rejection**Policy**

Before a contract can be effective, it shall be signed by the following persons within the time frames provided:

1. The donor or the donor's authorized representative.
2. The human services area administrator, within one week from receipt.
3. The regional administrator, within one week from receipt.
4. The chief of the Bureau of Purchased Services, within two weeks from receipt.

Comment

This section provides the specific steps and timetables to be followed before a contract can be effective.

Legal reference: 441 IAC 150.7(1)"a"

IOWA DONATION OF FUNDS CONTRACTCONTRACT DEVELOPMENT (Cont.)Contract Effective Date**Policy**

The contract is effective upon signature of the chief of the Bureau of Purchased Services.

Comment

Because contract effective dates affect a number of systems and procedures, they normally must be effective on the first day of a month. However, as donated funds contracts represent a mutual agreement that funds will be available for specific purposes, these contracts may be effective at times other than the first of a month. For example, a contract may be effective after acceptance by the Department and signature by the chief of the Bureau of Purchased Services.

Legal reference: 441 IAC 150.7(1)"b"

Contract Ending Date**Policy**

The contract ending date shall be specified in the contract, but shall not be later than June 30 following the effective date of the contract.

Comment

Donations occur for services during a specific period, which cannot overlap Department fiscal years. If a donor wishes to make funds available to the Department in a new fiscal year, a new donation of funds contract must be completed. Programs and needs within the Department change from year to year.

Legal reference: 441 IAC 150.7(1)"c"

IOWA DONATION OF FUNDS CONTRACTCONTRACT ADMINISTRATIONContract Management**Policy**

During the contract period the district administrator or designee shall be the contract liaison between the department and the donor. The liaison shall be contacted on all interpretations and problems relating to the contract. When a problem involves a particular service or administrative support contract, the project manager for that contract shall be notified by the liaison for the donor, if the project manager is not also the liaison.

Comment

Because problems regarding a donated funds contract usually affect another contract, e.g. between a provider or contractor, the project manager for that contract shall be kept informed by the liaison for the donated funds contract of problems and their resolution.

Legal reference: IAC 441--150.7(2)"a"

Contract Amendment**Policy**

The contract shall be amended if:

1. The donor or department is unable to comply with the existing terms of the contract, and contract termination is not being sought.
2. The donor decides to provide additional funds and the Department agrees to accept them.

Comment

When either party to the contract is unable to fulfill the terms of the contract, e.g. funds promised are no longer available, and both parties wish to continue the contract, the contract may be amended. An amendment is also needed if additional resources are being made available and the Department agrees to accept them for the specific service for which they are being made available.

Legal reference: IAC 441--150.7(2)"b"

IOWA DONATION OF FUNDS CONTRACTCONTRACT ADMINISTRATION (Cont'd)Contract Renewal**Policy**

A donation of funds contract cannot be renewed. A new contract shall be negotiated when the donor wishes to provide funds in subsequent periods.

Comment

Since the donated funds contract is valid only for a specific program year, it cannot be renewed. Instead a new contract should be completed for succeeding program years.

Legal reference: IAC 441--150.7(2)"d"

Contract Termination**Policy**

The contract may be terminated early if any of the following conditions exist:

1. The donor and the Department agree to terminate the contract early.
2. The donor or the Department fails to comply with contract terms.

Comment

A contract may be terminated during the period of the contract. Termination can occur for either of the reasons listed: when both the donor and the department are in agreement, or for failure of one of the parties to satisfy an obligation under the contract.

Legal reference: IAC 441--150.7(2)"c"

Procedure

Either party to the contract may initiate the termination action by giving written notice at least 30 days prior to the termination date and citing specific causes for the action. If termination is for noncompliance, this step shall be preceded by attempts to correct the problem. Documentation of attempts to correct the problem shall be a part of the termination notice.

IOWA DONATION OF FUNDS CONTRACTCONDITIONS OF PARTICIPATIONSigned Contract**Policy**

A contract shall be effective only when signed by all parties required under Contract Approval or Rejection.

Comment

In order to be valid, a contract must be signed by the required persons. It must be signed by all parties before it can be effective. The contract becomes the basis for solving disagreements which may arise. It supersedes all oral agreements and negotiations between the parties to the contract.

Legal reference: IAC 441--150.7(3)"a"

Procedure

After being signed by the donor or an authorized representative of the organization donating the funds, the contract is delivered to the district office. The district administrator or designated staff member shall obtain the county and district level signatures. When the county director and the district administrator have signed, the contract shall be sent to the manager of the Purchase of Service Unit for final Department signature.

Civil Rights Laws**Policy**

The donors shall be in compliance with all federal, state, and local civil rights laws and regulations with respect to equal employment opportunity, or have a written work plan approved by the Bureau of Equal Opportunity/Affirmative Action to come into compliance.

Comment

Donor organizations, as well as other organizations the Department contracts with, are subject to civil rights laws. If the donor is not fully in compliance, it must submit a written plan to come into compliance.

IOWA DONATION OF FUNDS CONTRACTCONDITIONS OF PARTICIPATION (Cont'd)Civil Rights Laws (Cont'd)**Procedure**

Guidelines for compliance are issued by the Bureau of Equal Opportunity/Affirmative Action of the Department. If the Bureau of Equal Opportunity/Affirmative Action determines that a donor is not in compliance with the guidelines, the donor shall develop a written work plan to come into compliance and submit it with the contract material. As part of the approval process, the Purchase of Service Unit submits the work plan to the Bureau of Equal Opportunity/Affirmative Action for approval.

Legal reference: IAC 441--150.7(3)"b"

Title VI Compliance**Policy**

The donor shall be in compliance with Title VI of the 1964 Civil Rights Act, as amended, and all other federal, state, and local laws and regulations regarding the provision of services, or have a written plan approved by the Bureau of Equal Opportunity/Affirmative Action to come into compliance.

Comment

Donor organizations, as well as other organizations the Department contracts with, are subject to Title VI laws. If the donor is not fully in compliance, the donor must submit a written plan to come into compliance.

Procedure

Guidelines for compliance are issued by the Bureau of Equal Opportunity/Affirmative Action of the Department. If the Bureau of Equal Opportunity/Affirmative Action determines that a donor is not in compliance with the guidelines, the donor shall develop a written work plan to come into compliance and submit it with the contract material. As part of the approval process, the Purchase of Service Unit submits the work plan to the Bureau of Equal Opportunity/Affirmative Action for approval.

Legal reference: IAC 441--150.7(3)"c"

IOWA DONATION OF FUNDS CONTRACTCONDITIONS OF PARTICIPATION (Cont'd)Civil Rights Laws (Cont'd)Section 504 Compliance**Policy**

The donor shall be in compliance with Section 504 of the Rehabilitation Act of 1973, as amended, and with all federal, state, and local Section 504 laws and regulations, or have a written work plan approved by the Bureau of Equal Opportunity/Affirmative Action to come into compliance.

Comment

Donor organizations, as well as other organizations the Department contracts with, are subject to Section 504 laws. If the donor is not fully in compliance, the donor must submit a written plan to come into compliance.

Procedure

Guidelines for compliance are issued by the Bureau of Equal Opportunity/Affirmative Action of the Department. If the Bureau of Equal Opportunity/Affirmative Action determines that a donor is not in compliance with the guidelines, the donor shall develop a written work plan to come into compliance and submit it with the contract material. As part of the approval process, the Purchase of Service Unit submits the work plan to the Bureau of Equal Opportunity/Affirmative Action for approval.

Legal reference: IAC 441--150.7(3)"d"

Affirmative Action**Policy**

The donors shall be in compliance with all federal, state, and local laws and regulations regarding affirmative action. Donors not in compliance shall have a written work plan approved by the Bureau of Equal Opportunity/Affirmative Action to come into compliance.

Comment

Donor organizations, as well as other organizations the Department contracts with, are subject to affirmative action laws. If the donor

IOWA DONATION OF FUNDS CONTRACTCONDITIONS OF PARTICIPATION (Cont'd)Civil Rights Laws (Cont'd)Affirmative Action (Cont'd)Comment (Cont'd)

is not fully in compliance, the donor must submit a written plan to come into compliance.

Legal reference: IAC 441--150.7(3)"e"

Procedure

Guidelines for compliance are issued by the Bureau of Equal Opportunity/Affirmative Action of the Department. If the Bureau of Equal Opportunity/Affirmative Action determines that a donor is not in compliance with the guidelines, the donor shall develop a written work plan to come into compliance and submit it with the contract material. As part of the approval process, the Purchase of Service Unit submits the work plan to the Bureau of Equal Opportunity/Affirmative Action for approval.

ConfidentialityPolicy

The donor shall comply with all applicable federal and state laws and regulations on confidentiality. This includes policies on confidentiality contained in I-C.

Comment

Donors, as well as other organizations the Department contracts with, are subject to confidentiality laws and regulations. Rules on confidentiality may be found in 441--Chapter 9 of the Iowa Administrative Code.

Legal reference: IAC 441--150.7(3)"f"

Eligible ClientsPolicy

Clients for whom services are purchased using funds donated through this contract must be determined eligible by the Department using XIII-A, DETERMINATION OF ELIGIBILITY.

IOWA DONATION OF FUNDS CONTRACTCONDITIONS OF PARTICIPATION (Cont'd)Eligible Clients (Cont'd)**Comment**

Eligibility for all clients receiving services in connection with this contract shall be determined by the Department using criteria in XIII-A, "General Provisions," and XV-B, "Social Services Block Grant."

Legal reference: IAC 441--150.7(3)"g"

Purchase of Service System**Policy**

The donor shall follow the policies of the purchase of service system established by the Department.

Comment

This contract establishes the conditions under which an individual or organization makes funds available to the Department, generally for matching state or federal funds for purchasing services or administrative support. One of the conditions necessary for operation of the purchase system is establishment of the basis for services or activities to be purchased and rates to be paid. This policy provides the basis for establishing these. In addition to rules and manual for the purchase of service system, please refer to XIII-A, "General Provisions," and XV-B, "Social Services Block Grant."

Legal reference: IAC 441--150.7(3)"h"

Restrictions on Donated Funds**Policy**

The donor may specify the geographical area to be served and the service to be provided.

Comment

All donors may specify the geographical area in which the funds may be used and the service or administrative support activity they may be used to purchase.

IOWA DONATION OF FUNDS CONTRACTCONDITIONS OF PARTICIPATION (Cont'd)Restrictions on Donated Funds (Cont'd)**Comment** (Cont'd)

Legal reference: IAC 441--150.7(3)"i"

Transmittal of Funds**Policy**

Any funds available under this contract shall be transmitted to the Department at least quarterly. When funds are for match purposes, they shall be transmitted in amounts sufficient to cover the anticipated quarterly expenditures.

Comment

Funds made available through this contract shall be sent to the Department on at least a quarterly basis. They shall be transmitted in amounts sufficient to cover the anticipated quarterly expenditures. Transfers shall include identification sufficient to make it possible for the funds to be applied to the correct accounts for the respective fiscal year.

Legal reference: IAC 441--150.7(3)"j"

Procedure

Donated funds shall be transferred from the donor to the Department by a warrant and a letter or notice of transmittal.

The warrant shall be made out to:

Department of Human Services
% Cashier, Room 14
Hoover State Office Building
Des Moines, IA 50319-0114

The notice or letter of transmittal should specify:

1. The donor
2. The warrant number
3. The amount of funds
4. The fact that the funds are "donated"
5. The time period for which the funds are to be used.

IOWA DONATION OF FUNDS CONTRACTCONDITIONS OF PARTICIPATION (Cont'd)Accounting**Policy**

The Department shall supply to the donor a monthly report which provides an accounting of the use of the funds.

Comment

Legal reference: IAC 441--150.7(3)"k"

Procedure

Each month, a Donated Funds Report, S472T660, is sent to the respective district and local offices. The local office reviews the report, notes and records any pertinent information, and, upon request, forwards the report to the donor.

ADMINISTRATIVE CONTROL OF FUNDS**Policy**

Except for the restriction permitted under Restrictions on Donated Funds, all donated funds shall be donated on an unrestricted basis for use as if they were appropriated funds and shall be under the administrative control of the Department.

Comment

Allowable restrictions include restrictions of geographic area and service or administrative support activity.

Legal reference: IAC 441--150.7(4)

REVERSION OF UNSPENT FUNDS**Policy**

No funds donated and transmitted to the Department will be returned to the donor, unless the donor is a public agency. Unspent funds will be returned to the public agency donor after the contract period upon submittal of a written request to the manager of the Purchase of Service Unit.

IOWA DONATION OF FUNDS CONTRACTREVERSION OF UNSPENT FUNDS (Cont'd)**Comment**

Funds donated and transmitted to the Department by a private donor become, in essence, Department funds. They are subject to the same laws and regulations as funds appropriated to the Department. Therefore, at the end of the program year any unused funds which have been transmitted to the Department are retained by the Department. In most cases, retained funds continue to be used in the new program year according to the original restriction. The funds are not returned to a private donor.

Public donors may request and receive a refund of any unused donated funds.

Legal reference: IAC 441--150.7(5)

Procedure

Public agencies desiring a refund of unused funds donated to the Department must send a written request through their contract liaison to the manager of the Purchase of Service Unit.